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Attorneys for Defendants  
CITY OF PLEASANTON, PLEASANTON POLICE  
DEPARTMENT, DANIEL KUNKEL, ERIC GORA, MARK  
SHELDON, TYLER PAULSEN, BRADLEY PALMQUIST,  
and OFFICER BENNETT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE ESTATE OF JOHN DEMING, JR.;  
and JOHN DEMING, SR. and LINDA  
STASI, individually, and as successors-in-  
interest and wrongful death heirs to  
DECEDENT JOHN DEMING, JR.,

Plaintiffs,

vs.

CITY OF PLEASANTON;  
PLEASANTON POLICE DEPARTMENT;  
DANIEL KUNKEL, an individual and  
officer; ERIC GORA, an individual and  
officer; MARK SHELDON, an individual  
and officer; TYLER PAULSEN, an  
individual and officer; BRADLEY  
PALMQUIST, an individual and officer;  
OFFICER BENNETT, an individual and  
officer; and DOES 1 through 50, inclusive,

Defendants.

Case No. **C16-2964**

**DEFENDANTS' NOTICE OF REMOVAL  
OF ACTION UNDER 28 U.S.C. § 1441(B)  
TO U.S. DISTRICT COURT, NORTHERN  
DISTRICT OF CALIFORNIA**

**(FEDERAL QUESTION)**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants CITY OF PLEASANTON, PLEASANTON  
POLICE DEPARTMENT, DANIEL KUNKEL, ERIC GORA, MARK SHELDON, TYLER

1 PAULSEN, BRADLEY PALMQUIST and OFFICER BENNETT hereby remove to this Court  
2 the state court action described below.

3 On April 4, 2016, an action was commenced in the Superior Court of the State of  
4 California in and for the County of Alameda, entitled THE ESTATE OF JOHN DEMING, JR.;  
5 and JOHN DEMING, SR. and LINDA STASI, individually, and as successors-in-interest and  
6 wrongful death heirs to DECEDENT JOHN DEMING, JR. (Plaintiffs) vs. CITY OF  
7 PLEASANTON; PLEASANTON POLICE DEPARTMENT; DANIEL KUNKEL, an individual  
8 and officer; ERIC GORA, an individual and officer; MARK SHELDON, an individual and  
9 officer; TYLER PAULSEN, an individual and officer; BRADLEY PALMQUIST, an individual  
10 and officer; OFFICER BENNETT, an individual and officer; and DOES 1 through 50, inclusive  
11 (Defendants), as Case Number RG16810047. Attached hereto as Exhibit A is a copy of the  
12 summons served on Defendants in this state action, along with a Notice and Acknowledgement  
13 and Receipt by Defendants (other than Pleasanton Police Department, see Footnote 1, below).  
14 Attached hereto as Exhibit B is a copy of the Complaint served on Defendants in this state action,  
15 via the Notice and Acknowledgement of Receipt.

16 Defendants now provide timely notice of removal of this action per 28 U.S.C. §§ 1446  
17 and 1441(c).

### 18 GROUND FOR REMOVAL

19 This is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331  
20 (federal question), and is one which may be removed to this Court by Defendants pursuant to the  
21 provisions of 28 U.S.C. § 1441(c), in that Plaintiffs' First through Fifth Causes of Action in their  
22 Complaint arise under the U.S. Constitution. Specifically, Plaintiffs' contend that Defendants  
23 violated the First, Fourth and Fourteenth Amendments of the U.S. Constitution by "subjecting the  
24 decedent to excessive force when they shot and killed him." (Exh. B, ¶ 47 (First Cause of  
25 Action)). Similarly, Plaintiffs allege additional claims pursuant to the U.S. Constitution in the  
26 other various causes of action, namely the Second through Fifth Causes of Action. (Exh. B, ¶¶  
27 60-61, 67, 76, 81). As Plaintiffs have alleged federal claims pursuant to the U.S. Constitution, the  
28 Court has original jurisdiction under 28 U.S.C. § 1331 and removal is proper.

Defendants are unaware of any other defendants who have been served with a Summons and the Complaint and thus no joinder to this removal is necessary. The undersigned will be representing the CITY OF PLEASANTON, PLEASANTON POLICE DEPARTMENT,<sup>1</sup> DANIEL KUNKEL, ERIC GORA, MARK SHELDON, TYLER PAULSEN, BRADLEY PALMQUIST, and OFFICER BENNETT. Plaintiffs are represented by counsel from Geragos & Geragos, APC.

Dated: June 1, 2016

McNAMARA, NEY, BEATTY, SLATTERY,  
BORGES & AMBACHER LLP

By: 

James V. Fitzgerald, III  
Noah G. Blechman  
Amy S. Rothman  
Attorneys for Defendants  
CITY OF PLEASANTON, PLEASANTON POLICE  
DEPARTMENT, DANIEL KUNKEL, ERIC GORA,  
MARK SHELDON, TYLER PAULSEN, BRADLEY  
PALMQUIST, and OFFICER BENNETT

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP  
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1211 NEWELL AVENUE, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330

<sup>1</sup> Counsel for Plaintiffs have agreed to dismiss the Pleasanton Police Department as they are a duplicative defendant with the City of Pleasanton.

# EXHIBIT A

**COPY**

SUM-100

**SUMMONS  
(CITACION JUDICIAL) BY FAX****NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**CITY OF PLEASANTON; PLEASANTON POLICE DEPARTMENT;  
[see attached SUM-200(A) form]**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**THE ESTATE OF JOHN DEMING, JR.; [see attached SUM-200(A)  
form]FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)**ENDORSED  
FILED  
ALAMEDA COUNTY**

APR 04 2016

CLERK OF THE SUPERIOR COURT  
By **MARISOL DIAZ** Deputy**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): René C. Davidson Courthouse  
1225 Fallon Street  
Oakland, California 94612

CASE NUMBER  
(Número del caso) **16810047**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Mark J. Geragos, Geragos &amp; Geragos, APC, 644 S. Figueroa St., Los Angeles, CA 90017 Ph.: (213)625-3900

DATE: APR 04 2016

(Fecha)

Clerk, by

(Secretario)

**MARISOL DIAZ**Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): **City of Pleasanton**

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☒ other (specify): CCP416.50 Public Entity

4. ☐ by personal delivery on (date):

SUM-200(A)

SHORT TITLE:

Deming, et al. v. City of Pleasanton, et al.

CASE NUMBER

## INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

DANIEL KUNKEL, an individual and officer; ERIC GORA, an individual and officer; MARK SHELDON, an individual and officer; TYLER PAULSEN, an individual and officer; BRADLEY PALMQUIST, an individual and officer; OFFICER BENNETT, an individual and officer; and DOES 1 through 50, inclusive.

Page 1 of 2

Page 1 of 1

SUM-200(A)

SHORT TITLE: Deming, et al. v. City of Pleasanton, et al.	CASE NUMBER:
--	--------------

## INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☒ Plaintiff
 ☐ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

and JOHN DEMING, SR. and LINDA STASI, individually, and as successors-in-interest and wrongful death heirs to DECEDENT JOHN DEMING, JR.

Page 2 of 2

Page 1 of 1













POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Mark J. Geragos #108325; Ben J. Meiselas #277412 GERAGOS & GERAGOS, APC 644 South Figueroa Street Los Angeles, CA 90017 TELEPHONE NO. 213-625-3900 FAX NO. (Optional) 213-232-3255 E-MAIL ADDRESS (Optional) geragos@geragos.com ATTORNEY FOR (Name) Estate of John Deming, Jr.; John Deming, Sr.; Linda Stasi		FOR COURT USE ONLY           CASE NUMBER RG16810047
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS 1225 Fallon Street MAILING ADDRESS 1225 Fallon Street CITY AND ZIP CODE Oakland, 94612 BRANCH NAME René C. Davidson Courthouse		
PLAINTIFF/PETITIONER: Estate of John Deming, Jr., et al. DEFENDANT/RESPONDENT: City of Pleasanton, et al.		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL		

TO (insert name of party being served): Daniel Kunkel**NOTICE**

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: ~~April 22, 2016~~ May 19, 2016Ben Meiselas

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

**ACKNOWLEDGMENT OF RECEIPT**

This acknowledges receipt of (to be completed by sender before mailing):

- ☒ A copy of the summons and of the complaint.
- ☐ Other (specify):

(To be completed by recipient):

Date this form is signed: 5/10/16Noah G. Blechman for Defendants(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,  
ON WHOSE BEHALF THIS FORM IS SIGNED)(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF  
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)







# EXHIBIT B



**COPY****GERAGOS & GERAGOS**

A PROFESSIONAL CORPORATION  
 LAWYERS  
 HISTORIC ENGINE CO. NO. 28  
 644 SOUTH FIGUEROA STREET  
 LOS ANGELES, CALIFORNIA 90017-3411  
 TELEPHONE (213) 625-3900  
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 GERAGOS@GERAGOS.COM

MARK J. GERAGOS SBN 108325  
 BEN J. MEISELAS SBN 277412  
 ZACK V. MULJAT SBN 304531  
 Attorneys for Plaintiffs

ENDORSED  
 FILED  
 ALAMEDA COUNTY

APR 04 2015

CLERK OF THE SUPERIOR COURT  
 By MARISOL DIAZ  
 Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF ALAMEDA**

THE ESTATE OF JOHN DEMING, JR.;  
 and JOHN DEMING, SR. and LINDA  
 STASI, individually, and as successors-in-  
 interest and wrongful death heirs to  
 DECEDENT JOHN DEMING, JR.,

Plaintiffs,

vs.

CITY OF PLEASANTON;  
 PLEASANTON POLICE  
 DEPARTMENT; DANIEL KUNKEL, an  
 individual and officer; ERIC GORA, an  
 individual and officer; MARK  
 SHELDON, an individual and officer;  
 TYLER PAULSEN, an individual and  
 officer; BRADLEY PALMQUIST, an  
 individual and officer; OFFICER  
 BENNETT, an individual and officer; and  
 DOES 1 through 50, inclusive,

Defendants.

CASE NO.: **RG16810047**

COMPLAINT FOR:

1. VIOLATION OF CIVIL RIGHTS  
42 U.S.C. §1983
2. VIOLATION OF CIVIL RIGHTS  
42 U.S.C. §1983 – CLAIMS OF  
LINDA STASI
3. VIOLATION OF CIVIL RIGHTS  
MONELL CLAIM
4. VIOLATION OF CIVIL RIGHTS  
FAMILIAL RELATIONSHIP
5. VIOLATION OF CIVIL RIGHTS  
FAMILIAL RELATIONSHIP  
(MONELL)
6. VIOLATION of CIVIL CODE  
§52.1
7. WRONGFUL DEATH

*Unlimited Civil Jurisdiction*

**DEMAND FOR A JURY TRIAL**

**BY FAX**

GERAGOS & GERAGOS, APC  
 HISTORIC ENGINE CO. NO. 28  
 644 SOUTH FIGUEROA STREET  
 LOS ANGELES, CALIFORNIA 90017-3411

## FACTUAL BACKGROUND

1 this fact, the Pleasanton Police Department, which lacked any training in de-escalation  
2 protocols and dealing with individuals with mental health issues, decided to shoot at the  
3 unarmed John Jr. with tasers and beanbag guns, and release a K9 to chase John Jr. out of the  
4 used car dealership where he was present.

5 7. Before escalating force, Sergeant Eric Gora can be heard on the police issued  
6 Scorpion body-cam stating that John Jr. was "fifty-one fifty," which is police officer and  
7 medical code for someone having a mental health crisis.

8 8. Rather than call for mental health intervention, the Defendant Officers gave the  
9 commands and followed through on shooting at John Jr. with beanbag guns, tasers, and by  
10 releasing a K9.

11 9. John Jr. was caused to flee from the premises as he was being chased by a  
12 dangerous K9 that was trying to sever his leg.

13 10. John Jr. was flushed out the premises where a lone-officer, Officer Kunkel,  
14 was waiting with his gun drawn. According to police statements, John Jr. attempted to flee  
15 and run away as he was being chased. John Jr. posed no threat to any officers, and was  
16 running for his life as he was stunned by the sudden use of beanbag guns, tasers, and a K9.  
17 John Jr. was fearful for his life.

18 11. Despite the Scorpion Body-Cam being issued to all Pleasanton Police Officers,  
19 being required to be used in situations such as these, and being operational on other officers  
20 during the incident, Officer Kunkel claimed to Internal Affairs that he was wearing a  
21 bodycam, but that the bodycam was not turned on because he felt the bodycam distracted  
22 him and that he never uses the bodycam in an operational setting.

23 12. This statement by Officer Kunkel is the third-time Pleasanton has changed the  
24 story about the existence or use of Officer Kunkel's bodycam—first telling the public that  
25 there was no bodycam, then telling the public there was a bodycam but that Officer Kunkel  
26 never received the bodycam, and finally Officer Kunkel's most recent excuse that he was  
27 wearing the bodycam but forgot to turn it on.

28 13. Officer Kunkel's convenient and suspicious failure to activate his bodycam, as

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1 required by Department protocol, is all the more alarming given that none of the forensic and  
 2 scientific evidence of the murder of John Jr. match with Officer Kunkel's version of events.  
 3 Two autopsies – one performed by the Alameda Coroner and another by world-renowned  
 4 independent forensic pathologist Cyril Wecht – confirm that that there was no gunpowder  
 5 residue or "tattooing," on John Jr.'s body, meaning the shots fired by Officer Kunkel were at  
 6 a considerable distance and not at close range as Officer Kunkel alleges.

7 14. Further, there is no offensive bruising on John Jr.'s hands or body which  
 8 directly contradicts Officer Kunkel's version of events that John Jr. was the aggressor.

9 15. Further, other than looking "pale," and apparently having ankle injuries caused  
 10 by tripping over his own feet, Officer Kunkel had no injuries consistent with him being the  
 11 victim of anything other than his own attempts to cover-up his murder.

12 16. The facts will show that Officer Kunkel was mentally unstable, panicked when  
 13 he saw John Jr. fleeing from the K9 that was chasing him, and unreasonably shot and killed  
 14 John Jr. without justification or privilege.

15 17. From the 911 audio-tape and the bodycam footage that *was working* on the day  
 16 of the incident, we know that the entire incident, from the confrontation of John Jr. by  
 17 Pleasanton Officers to his murder, took place in just two minutes. Defendants recognized  
 18 John Jr. was unarmed and potentially "fifty-one-fifty," according to Sgt. Gora,  
 19 approximately 30 seconds before his death.

20 18. Following the murder of John Jr., the Pleasanton Police ran a trace of John Jr.'s  
 21 car which would have revealed he was the son of a highly regarded and award-winning  
 22 Reserve Oakdale Police Officer, John Deming, Sr.

23 19. Regardless, Pleasanton Police did not call John Sr., and instead went to John  
 24 Jr.'s mother's home (Plaintiff Linda Stasi) in San Jose, California.

25 20. The Pleasanton Police Department did not show Linda a warrant and  
 26 proceeded to hold her at gunpoint on the ground as she pled for her life. Linda was  
 27 handcuffed as the Pleasanton Police raided her home and took computers and notebooks  
 28 belonging to John Jr.

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21. After more than a 2-hour raid, Pleasanton Police finally told Linda for the first-time that her son was dead. Thereafter, the Pleasanton Police issued warrants for John Jr.'s Facebook and Instagram accounts, and attempted a detention of John Jr.'s elderly grandparent, in an attempt to defame John Jr. in his death by trying to dig up potentially incriminating information about him unrelated to the incident.

22. Further, a Pleasanton Police Sergeant had a phone call with John Sr. and told him there was bodycam footage of the incident and there would be justice for him and his family. This was right before Pleasanton Police Public Relations Officers began holding press conferences to spread false statements about John Jr.

23. In short, the conduct by the Pleasanton PD is a template in how not to function as a Police Department: From (1) the decision to hire Officer Kunkel at the same time he was suing Antioch Police Department for his emotional distress, (2) to the decision to escalate a non-violent interaction with an unarmed teenager who a Pleasanton Police Sergeant recognized was having a mental health issue, (3) to Officer Kunkel not producing his bodycam footage for perplexing and still unbelievable reasons, (4) to providing contradicting narratives about what took place and sticking with a murky and bizarre victim-blaming narrative at odds with the forensic evidence by two forensic pathologists, and (5) to holding the victim's mother at gunpoint and detaining her while not disclosing her son had died – all cumulatively demonstrate that the cluster of incompetence, malice, and culture of cover-up at the Pleasanton Police Department directly lead to the death of John Jr.

### PARTIES

24. Plaintiff John Deming, Sr. is the surviving parent, heir, and successor-in-interest to Decedent John Deming, Jr.

25. Plaintiff Linda Stasi is the surviving parent, heir, and successor-in-interest to Decedent John Deming, Jr.

26. At all times herein mentioned, the City of Pleasanton was a governmental entity organized and existing under the laws of the State of California.

27. At all times herein mentioned, the Pleasanton Police Department was a



1 governmental entity organized and existing under the laws of the State of California.

2 28. Defendant Daniel Kunkel, at all relevant times, was a police officer employed  
3 by the City of Pleasanton acting under color of authority.

4 29. Defendant Eric Gora, at all relevant times, was a police officer employed by  
5 the City of Pleasanton acting under color of authority.

6 30. Defendant Mark Sheldon, at all relevant times, was a police officer employed  
7 by the City of Pleasanton acting under color of authority.

8 31. Defendant Tyler Paulsen, at all relevant times, was a police officer employed  
9 by the City of Pleasanton acting under color of authority.

10 32. Defendant Bradley Palmquist, at all relevant times, was a police officer  
11 employed by the City of Pleasanton acting under color of authority.

12 33. Defendant Bennett, at all relevant times, was a police officer employed by the  
13 City of Pleasanton acting under color of authority.

14 34. Each of the above-mentioned officers, named herein, all collectively  
15 participated in the use of force, the unlawful decision to escalate force, and/or the execution  
16 and murder of John Jr.

17 35. The true names and capacities, whether individual, department, associate or  
18 otherwise sued herein as DOES 1 through 50, inclusive, are unknown to Plaintiffs at the time  
19 of filing this Complaint, who therefore sue said Defendants by such fictitious names.

20 36. Plaintiffs are informed and believe and thereupon allege that at all times  
21 mentioned herein, Defendants DOES 1 through 50, inclusive, were, and now are, the agents,  
22 employees, servants, officers, and/or safety officers employed or retained by any or all  
23 Defendants.

24 37. Plaintiffs will ask leave of court to amend this Complaint to show the true  
25 names and capacities of such Defendants when the same are ascertained. Plaintiffs are  
26 informed and believe, and thereupon allege, that each of the Defendants designated herein,  
27 including DOES 1 through 50, are responsible in some manner for the happenings and  
28 occurrences hereinafter alleged, and that such conduct was a substantial factor in causing the

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644 SOUTH FIGUEROA STREET  
LOS ANGELES, CALIFORNIA 90017-3411

1 injuries to Plaintiffs complained herein.

2 **JURISDICTION, VENUE, AND NOTICE**

3 38. This Court has jurisdiction over the entire action by virtue of the fact that this  
4 is a civil action wherein the matter in controversy, exclusive of interest and costs, exceeds  
5 the jurisdictional minimum of the Court.

6 39. This Court has jurisdiction over the parties pursuant to Code of Civil Procedure  
7 section 410.10, because all parties are domiciled within the State of California.

8 40. Pursuant to Code of Civil Procedure section 395(a), venue is proper because  
9 Plaintiff's injury occurred within the jurisdiction of this Court in the County of Alameda,  
10 California.

11 41. Jurisdiction is conferred upon this court by Section 1983, of Title 42, United  
12 States Code. Concurrent jurisdiction was granted to this court under *Williams vs. Horvath*  
13 (1976) 16 Cal.3d 834, 837. Also, this Court has jurisdiction to award damages pursuant to  
14 Article VI Section 10 of the California Constitution.

15 42. Pursuant to Government Code Section 910, Plaintiffs and each of them  
16 submitted a Government Tort Claim on August 26, 2015 to the appropriate City Officials.  
17 There was no response. By operation of law, the Government Tort Claim is deemed rejected  
18 on October 10, 2015. The instant action is timely brought within 6 months or 180 days from  
19 the rejection by operation of law.

20 **FIRST CAUSE OF ACTION**

21 (Violation of Civil Rights 42 U.S.C. §1983)

22 (Plaintiffs Against Defendants Kunkel, Gora, Sheldon, Paulson, Palmquist, Bennett,  
23 and DOES 1 through 50, inclusive)

24 43. Plaintiffs reallege and incorporate by reference each and every allegation  
25 contained in the preceding paragraphs as if fully set forth herein.

26 44. Defendants were, at all relevant times, law enforcement officers with the City  
27 of Pleasanton Police Department who were acting under color of state law.

28 45. Plaintiffs bring this claim for relief in their capacities as the successors-in-



1 interest and personal representatives of the decedent John Deming Jr.

2 46. The foregoing claim for relief arose in decedent's favor, and decedent would  
3 have been the plaintiff with respect to this claim for relief had he lived.

4 47. Defendants, acting under color of state law, deprived the decedent of rights,  
5 privileges, and immunities secured by the Constitution and laws of the United States,  
6 including those enumerated in and secured by the First, Fourth, and Fourteenth Amendments  
7 to the Constitution, by subjecting the decedent to excessive force when they shot and killed  
8 him. The First, Fourth and Fourteenth Amendments are made applicable to the States  
9 pursuant to 42 U.S.C. §1983.

10 48. The wrongful acts alleged herein above by defendant police officers were the  
11 cause of decedent's death.

12 49. Each of the Defendant Officers participated in an unlawful use of force,  
13 violation of policy, and unlawful conduct causing the deprivation of decedent John Jr.'s life.

14 50. Specifically, all Defendant Officers were members of the police team that was  
15 present at the used car dealership on July 5, 2015. All Defendant Officers participated in  
16 conduct constituting unlawful force, when confronting an unarmed teenager identified as  
17 having mental health issues who stated he "came in peace."

18 51. Defendant Kunkel shot and killed the unarmed John Jr. at a distance without  
19 justification or privilege. Defendant Kunkel violated policy and the United States  
20 Constitution by unreasonably using lethal force on John Jr.

21 52. Defendant Gora led the operation within the premises, recognized and stated  
22 that he believed the unarmed John Jr. was having a mental health crisis, but ordered the  
23 escalation of force in the form of tasers, beanbags, and K9. Sgt. Gora violated policy, the  
24 United States Constitution, and acted unreasonably without any justification or privilege,  
25 when causing the escalation of the violence and force, and giving unlawful commands  
26 thereto, on the unarmed teenager leading to his death.

27 53. Defendant Sheldon engaged in the unlawful use of force on John Jr., including  
28 but not limited to, unlawfully utilizing, commanding, encouraging, and releasing the K9 on

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1 John Jr. Defendants Palmquist, Bennett, and Paulsen each engaged in the unlawful use of  
 2 force including on John including but not limited to, the unlawful use of beanbag guns and/or  
 3 tasers on John Jr., each in violation of policy, the United States Constitution, without  
 4 privilege or excuse.

5 54. As a proximate result of the foregoing wrongful acts of defendants, and each of  
 6 them, the decedent sustained general damages, including pain and suffering, and a loss of the  
 7 enjoyment of life and other hedonic damages, in an amount in accordance with proof.

8 55. As a proximate result of the foregoing wrongful acts of defendants, and each of  
 9 them, Plaintiffs have lost the society and comfort of their child.

10 56. In doing the foregoing wrongful acts, defendants, and each of them, acted in  
 11 reckless and callous disregard for the constitutional rights of decedent. The wrongful acts,  
 12 and each of them, were willful, oppressive, fraudulent and malicious, thus warranting the  
 13 award of punitive damages against each individual defendant in an amount adequate to  
 14 punish the wrongdoers and deter future misconduct.

15 57. As further damage, Plaintiffs have and will incur attorneys' fees and pursuant  
 16 to 42 U.S.C. § 1988 are entitled to recover costs and fees in pursuing rights for a violation of  
 17 42 U.S.C. § 1983.

## 18 SECOND CAUSE OF ACTION

19 (Violation of Civil Rights 42 U.S.C. §1983)

20 (Plaintiff Linda Stasi against City of Pleasanton, Pleasanton Police Department, and DOE  
 21 Defendant Officers)

22 58. Plaintiff realleges and incorporates by reference each and every allegation  
 23 contained in the preceding paragraphs as if fully set forth herein.

24 59. At all times material to this Complaint, Defendants were acting under color of  
 25 the law in violating Plaintiff's constitutional rights as herein alleged under the First, Fourth  
 26 and Fourteenth Amendments to the Constitution of the United States. The First, Fourth and  
 27 Fourteenth Amendments are made applicable to the States pursuant to 42 U.S.C. §1983.

28 60. Plaintiff has a constitutional right to be free from the use of excessive force by

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1 law enforcement officers. Defendant caused injuries with the use of force against Plaintiff's  
 2 person which was unnecessary, excessive or unreasonable, and thereby deprived Plaintiff of  
 3 rights, privileges, and immunities secured to her by the Fourth Amendment to the  
 4 Constitution of the United States.

5 61. Plaintiff has a constitutional right to be free from an unreasonable seizure of  
 6 her person, made without probable cause. Defendants deprived Plaintiff of rights, privileges,  
 7 and immunities secured to her by the Fourth and/ or Fourteenth Amendments to the  
 8 Constitution of the United States by, *inter alia*, subjecting Plaintiff to an unlawful search and  
 9 seizure of her person, causing her to be handcuffed and unlawfully detained at gunpoint.

10 62. Due to the conduct of Defendants, and each of them, Plaintiff has suffered  
 11 general damages and special damages, all in a sum to be proved at trial.

12 63. Due to the conduct of Defendants, and each of them, Plaintiff has been  
 13 required to incur attorneys' fees and will continue to incur attorneys' fees, all to Plaintiff's  
 14 damage in a sum to be proved at trial and recoverable pursuant to 42 U.S.C. §1988.

15 64. The individual defendants acted with a conscious disregard of Plaintiff's rights  
 16 conferred upon her by Section 1983, Title 42 of the United States Code, the First, Fourth and  
 17 Fourteenth Amendments to the United States Constitution and California Civil Code Section  
 18 3333, by intentionally causing her injury and unlawfully detaining her at gunpoint. Such  
 19 conduct constitutes malice, oppression and/or fraud under California Civil Code Section  
 20 3294, entitling Plaintiff to punitive damages against the individual Defendants in an amount  
 21 suitable to punish and set an example of said Defendants.

### 22 THIRD CAUSE OF ACTION

23 (Violation of Civil Rights- *Monell* Claim)

24 (Plaintiffs against Defendants City of Pleasanton and Pleasanton Police Department)

25 65. Plaintiffs reallege and incorporate by reference the allegations contained in the  
 26 preceding paragraphs of this complaint, as though fully set forth herein.

27 66. Plaintiffs bring this claim for relief in their capacities as the successors-in-  
 28 interest and personal representatives of the decedent John Deming Jr.

1           67. Defendants knowingly, with gross negligence, and in deliberate indifference to  
2 the Constitutional rights of citizens, maintain and permit an official policy and custom of  
3 permitting the occurrence of the types of wrongs set forth hereinabove and hereafter.

4           68. Specifically, the City of Pleasanton permits its officers to unlawfully turn off  
5 their bodycam and/or delete bodycam evidence. Further, the City of Pleasanton maintains a  
6 policy of approving lateral transfers of officers into its Department, such as Officer Kunkel,  
7 who are not qualified and not emotionally stable for the requirements and demands of the  
8 job.

9           69. Further, the City of Pleasanton maintains an unlawful policy of obtaining  
10 improper warrants, and engaging in improper searches and seizures of individuals, such as  
11 Decedent John Jr., to reverse engineer inflammatory accusations to attempt to justify the  
12 Department's unlawful conduct.

13           70. These systematic and systemic unlawful policies within the Department are  
14 evidenced within the internal affairs OIS investigation report, the conduct by the Chief of  
15 Police and City Public Relations Officials. The illegal and unlawful policies herein are  
16 approved at the highest levels within the Pleasanton Police Department.

17           71. Further, these policies and customs include, but are not limited to, the  
18 deliberately indifferent training of its law enforcement officers in the use of excessive force,  
19 the express and/or tacit encouragement of excessive force, the ratification of police  
20 misconduct, the failure to conduct adequate unbiased investigations of police misconduct  
21 such that future violations do not occur.

22           72. Plaintiffs are informed and believe, and thereon allege, that the customs and  
23 policies were the moving force behind the violations of Plaintiffs' and Decedent's rights.  
24 Based upon the principles set forth in *Monell v. New York City Dept. of Social Services*, the  
25 City of Pleasanton is liable for all of the injuries sustained by Decedent and Plaintiffs as set  
26 forth above.

27           73. As a proximate result of the foregoing wrongful acts of defendants, and each  
28 of them, the decedent sustained general damages, including pain and suffering, and a loss of

1 the enjoyment of life and other hedonic damages, in an amount in accordance with proof.

2 74. Due to the conduct of Defendants, and each of them, Plaintiffs have been  
3 required to incur attorneys' fees and will continue to incur attorneys' fees, and pursuant to 42  
4 U.S.C. § 1988 are entitled to recovery of said fees.

#### 5 FOURTH CAUSE OF ACTION

6 (Violation of Civil Rights 42 U.S.C. § 1983 – Deprivation of the Rights of Plaintiffs to a  
7 Familial Relationship with the Decedent)

8 (Plaintiffs against Defendants Kunkel, Gora, Sheldon, Paulson, Palmquist, Bennett,  
9 and DOES 1 through 50, inclusive)

10 75. Plaintiffs reallege and incorporate by reference the allegations contained in the  
11 preceding paragraphs of this Complaint, as though fully set forth herein.

12 76. Defendants, acting under color of state law, deprived Plaintiffs of their right to  
13 a familial relationship without due process of law by Defendants' use of unjustified force,  
14 causing injuries which resulted in the decedent's death, all without provocation, all in  
15 violation of rights, privileges, and immunities secured by the First and Fourteenth  
16 Amendments to the United States Constitution.

17 77. As a result of the foregoing wrongful acts of Defendants, and each of them,  
18 Plaintiffs sustained general damages, including grief, emotional distress and pain and  
19 suffering and loss of comfort and society, and special damages, including loss of support, in  
20 an amount in accordance with proof.

21 78. In doing the foregoing wrongful acts, Defendants, and each of them, acted in  
22 reckless and callous disregard for the Constitutional rights of Plaintiffs when they killed John  
23 Jr. The wrongful acts, and each of them, were willful, oppressive, fraudulent, and malicious,  
24 thus warranting the award of punitive damages against each individual defendant in an  
25 amount adequate to punish the wrongdoers and deter future misconduct.

26 79. As further damage, Plaintiffs have and will incur attorneys' fees and pursuant  
27 to 42 U.S.C. § 1988 are entitled to recover costs and fees in pursuing rights for a violation of  
28 42 U.S.C. § 1983.



**FIFTH CAUSE OF ACTION**

(Violation of Civil Rights for 42 U.S.C. § 1983 – Deprivation of the Rights of Plaintiff to Familial Relationship with the Decedent- *Monell*)

(Plaintiffs against Defendants City of Pleasanton and Pleasanton Police Department)

80. Plaintiffs reallege and incorporate by reference the allegations contained in the preceding paragraphs of this Complaint, as though fully set forth herein.

81. Defendants, City of Pleasanton, knowingly and with gross negligence, maintained and permitted official policies and customs which allow the occurrence of the types of wrongs set forth hereinabove and below, all in deliberate indifference to the Constitutional rights of citizens.

82. Defendants, City of Pleasanton, knowingly, with gross negligence, and in deliberate indifference to the Constitutional rights of citizens, maintain and permit an official policy and custom of permitting the occurrence of the types of wrongs set forth hereinabove and hereafter. Specifically, the City of Pleasanton permits its officers to unlawfully turn off their bodycam and/or delete bodycam evidence.

83. Further, the City of Pleasanton maintains a police of approving transfers of officers not qualified and not emotionally stable for the requirements and demands of the job.

84. Further, the City of Pleasanton maintains an unlawful policy of obtaining improper warrants, and engaging in improper searches and seizures of individuals, such as John Jr., to reverse engineer inflammatory accusations to attempt to justify its unlawful conduct.

85. These systematic and systemic unlawful policies are evidenced the internal affairs OIS investigation report, the conduct by the Chief of Police and City Public Relations Officials. The illegal and unlawful policies herein are approved at the highest levels within the Pleasanton Police Department.

86. Further, these policies and customs include, but are not limited to, the deliberately indifferent training of its law enforcement officers in the use of excessive force,

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1 the express and/or tacit encouragement of excessive force, the ratification of police  
 2 misconduct, the failure to conduct adequate unbiased investigations of police misconduct  
 3 such that future violations do not occur.

4 87. Plaintiffs are informed and believe, and thereon allege, that the customs and  
 5 policies were the moving force behind the violations of Plaintiffs' and Decedent's rights.  
 6 Based upon the principles set forth in *Monell v. New York City Dept. of Social Services*, the  
 7 City of Pleasanton.

8 88. As a proximate result of the foregoing wrongful acts of defendants, and each  
 9 of them, the decedent sustained general damages, including pain and suffering, and a loss of  
 10 the enjoyment of life and other hedonic damages, in an amount in accordance with proof.

11 89. Due to the conduct of Defendants, and each of them, Plaintiffs have been  
 12 required to incur attorneys' fees and will continue to incur attorneys' fees, and pursuant to 42  
 13 U.S.C. § 1988 are entitled to recovery of said fees.

14 90. In acting as alleged herein, Defendants, and each of them, caused John Jr.'s  
 15 demise and the resulting loss to Plaintiffs, thereby causing Plaintiffs to suffer general and  
 16 consequential damages in an amount to be determined at the time of trial.

17 91. Due to the conduct of Defendants, and each of them, Plaintiffs have been  
 18 required to incur attorneys' fees and will continue to incur attorneys' fees, and pursuant to 42  
 19 U.S.C. § 1988 are entitled to recovery of said fees.

## 20 SIXTH CAUSE OF ACTION

21 (Violation of Civil Code §52.1)

22 (Plaintiffs against all Defendants)

23 92. Plaintiffs reallege and incorporate by reference the allegations contained in the  
 24 preceding paragraphs of this complaint, as though fully set forth herein.

25 93. Defendants, acting within the scope of their duties as City of Pleasanton  
 26 employees, caused the death of John Jr.

27 94. Defendant City of Pleasanton is hereby liable for the acts, omissions and  
 28 conduct of its employees, including Defendants herein, whose negligent conduct was a cause



1 in the death of the decedent, pursuant to California Government Code §815.2.

2 95. Plaintiffs filed a timely claim pursuant to California Government Code §910 *et*.  
3 *seq.* Those claims having been rejected within the past six months, this action is timely.

4 96. Plaintiffs are the proper party with standing as successors-in-interest and on  
5 behalf of the decedent pursue the claims of the decedent based on a violation of his rights.

6 97. The conduct of Defendants constituted interference by threats, intimidation, or  
7 coercion, or attempted interference, with the exercise of enjoyment by decedent John Jr. of  
8 rights secured by the Constitution of laws of the United States, or secured by the Constitution  
9 or laws of the State of California, including interference with decedent's rights to be secure  
10 in his person and free from the use of excessive force under the Fourth Amendment and Cal.  
11 Const. Art. 1 sec. 13 as well as Cal. Civ.Code § 43, and the right of protection from bodily  
12 restraint and harm.

13 98. As a direct cause of Defendants' conduct, the decedent's rights pursuant to  
14 California Civil Code §52.1 were violated, causing injuries and damages in an amount to be  
15 proved at the time of trial.

16 99. Due to the conduct of Defendants, and each of them, Plaintiffs have been  
17 required to incur attorneys' fees and will continue to incur attorneys' fees, and pursuant to  
18 California Civil Code § 52.1 are entitled to recovery of said fees.

19 **SEVENTH CAUSE OF ACTION**

20 (Negligence—Wrongful Death)

21 (Plaintiffs against all Defendants)

22 100. Plaintiff realleges and incorporates by reference the allegations contained in  
23 the preceding paragraphs of this complaint, as though fully set forth herein.

24 101. Defendants acting within the scope of their duties as City of Pleasanton  
25 employees, caused the death of John Jr.

26 102. Defendant City of Pleasanton is hereby liable for the acts, omissions and  
27 conduct of its employees, including Defendants herein, whose negligent conduct was a cause  
28 in the death of the decedent, pursuant to California Government Code §815.2.

1           103. Plaintiffs filed a timely claim pursuant to California Government Code §910 *et*.  
2 *seq.* Those claims having been rejected within the past six months, this action is timely.

3           104. Plaintiffs are the proper party with standing pursuant to Cal. Civ. Proc. Code §  
4 377.60 and hereby pursues their remedies for wrongful death against Defendants, and each  
5 of them, including pecuniary loss and other compensable injuries resulting from the loss of  
6 the society, comfort, attention, services, and support of the decedent.

7           105. Decedent was a loving teenager and his loss has and will continue to cause  
8 great and severe damages to his parents, the Plaintiffs in this action, all in an amount  
9 according to proof at the time of trial.

10           106. As a further direct result of the acts, omissions, negligence conduct and/or  
11 reckless disregard for the safety of decedent, Defendants, and each of them, Plaintiffs have  
12 incurred funeral and burial expenses, and other costs, in an amount according to proof at the  
13 time of trial.

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WHEREFORE, Plaintiff's prays for judgment as follows:

1. For general damages in an amount to be determined by proof at trial;
2. For special damages in an amount to be determined by proof at trial;
3. For punitive and exemplary damages against the individual defendants.
4. For costs of suit;
5. For reasonable attorneys' fees and costs as provided by statute; and
6. For such other and further relief as the Court deems just and proper.

DATED: April 4, 2016

GERAGOS & GERAGOS, APC

By:

  
MARK J. GERAGOS  
BEN J. MEISELAS  
ZACK MULJAT

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a jury trial.

DATED: April 4, 2016

GERAGOS & GERAGOS, APC

By:

  
MARK J. GERAGOS  
BEN J. MEISELAS  
ZACK MULJAT

**COPY**

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>Mark J. Geragos (SBN 108325); Ben J. Meiselas (SBN 277412)</b> <b>GERAGOS &amp; GERAGOS, APC</b> 644 S. Figueroa Street Los Angeles, California 90017-3411 TELEPHONE NO (213) 625-3900 FAX NO (213) 232-3255 ATTORNEY FOR (Name) <b>Plaintiffs The Estate of John Deming, Jr., et al.</b>		FOR COURT USE ONLY  <b>ENDORSED FILED ALAMEDA COUNTY</b>  <b>APR 04 2016</b>  CLERK OF THE SUPERIOR COURT By <b>MARISOL DIAZ</b> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>ALAMEDA</b> STREET ADDRESS <b>1225 Fallon Street</b> MAILING ADDRESS <b>1225 Fallon Street</b> CITY AND ZIP CODE <b>Oakland, California 94612</b> BRANCH NAME <b>René C. Davidson Courthouse</b>		
CASE NAME: <b>The Estate of John Deming, Jr., et al. v. City of Pleasanton, et al.</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
CASE NUMBER: <b>RG16810047</b> JUDGE: _____ DEPT: _____		

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): **Seven (7)**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 4, 2016

Ben J. Meiselas

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

BY FAX



**COPY**

Unified Rules of the Superior Court of California, County of Alameda

## F. ADDENDUM TO CIVIL CASE COVER SHEET

Short Title: Deming, et al. v. City of Pleasanton, et al.

Case Number:

## CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

[ ] Hayward Hall of Justice (447)  
 [X] Oakland, Rene C. Davidson Alameda County Courthouse (446) [ ] Pleasanton, Gale-Schenone Hall of Justice (448)

Auto Tort	Auto tort (22)	[ ] 34 Auto tort (G)	
		Is this an uninsured motorist case? [ ] yes [ ] no	
Other PI / PD / WD Tort	Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD tort (23)	[ ] 75 Asbestos (D) [ ] 89 Product liability (not asbestos or toxic tort/environmental) (G) [ ] 97 Medical malpractice (G) [X] 33 Other PI/PD/WD tort (G)	
Non - PI / PD / WD Tort	Bus tort / unfair bus. practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)	[ ] 79 Bus tort / unfair bus. practice (G) [ ] 80 Civil rights (G) [ ] 84 Defamation (G) [ ] 24 Fraud (G) [ ] 87 Intellectual property (G) [ ] 59 Professional negligence - non-medical (G) [ ] 03 Other non-PI/PD/WD tort (G)	
Employment	Wrongful termination (36) Other employment (15)	[ ] 38 Wrongful termination (G) [ ] 85 Other employment (G) [ ] 53 Labor comm award confirmation [ ] 54 Notice of appeal - L.C.A.	
Contract	Breach contract / Wrnty (06) Collections (09) Insurance coverage (18) Other contract (37)	[ ] 04 Breach contract / Wrnty (G) [ ] 81 Collections (G) [ ] 86 Ins. coverage - non-complex (G) [ ] 98 Other contract (G)	
Real Property	Eminent domain / Inv Cdm (14) Wrongful eviction (33) Other real property (26)	[ ] 18 Eminent domain / Inv Cdm (G) [ ] 17 Wrongful eviction (G) [ ] 36 Other real property (G)	
Unlawful Detainer	Commercial (31) Residential (32) Drugs (38)	[ ] 94 Unlawful Detainer - commercial [ ] 47 Unlawful Detainer - residential [ ] 21 Unlawful detainer - drugs	Is the deft. in possession of the property? [ ] Yes [ ] No
Judicial Review	Asset forfeiture (05) Petition re: arbitration award (11) Writ of Mandate (02) Other judicial review (39)	[ ] 41 Asset forfeiture [ ] 62 Pet. re: arbitration award [ ] 49 Writ of mandate Is this a CEQA action (Publ.Res.Code section 21000 et seq) [ ] Yes [ ] No [ ] 64 Other judicial review	
Provisionally Complex	Antitrust / Trade regulation (03) Construction defect (10) Claims involving mass tort (40) Securities litigation (28) Toxic tort / Environmental (30) Ins covrg from cmpx case type (41)	[ ] 77 Antitrust / Trade regulation [ ] 82 Construction defect [ ] 78 Claims involving mass tort [ ] 91 Securities litigation [ ] 93 Toxic tort / Environmental [ ] 95 Ins covrg from complex case type	
Enforcement of Judgment	Enforcement of judgment (20)	[ ] 19 Enforcement of judgment [ ] 08 Confession of judgment	
Misc Complaint	RICO (27) Partnership / Corp. governance (21) Other complaint (42)	[ ] 90 RICO (G) [ ] 88 Partnership / Corp. governance (G) [ ] 68 All other complaints (G)	
Misc. Civil Petition	Other petition (43)	[ ] 06 Change of name [ ] 69 Other petition	

BY FAX